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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,175	02/18/2004	Michael R. Oldenburg	6919.03	1818

7590 09/02/2004

S. Wade Johnson
DORSEY & WHITNEY LLP
Intellectual Property Department
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498

EXAMINER

PEAVEY, ENOCH E

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,175

Applicant(s)

OLDENBURG, MICHAEL R.

Examiner

Enoch E Peavey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

II. Claims 1-53 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seeh et al., US No. 5,096,207 ("Seeh").

A. In short, Seeh discloses a seal (FIG. 2) for sealing a shaft, the seal comprising: a sleeve (5') constructed to be disposed generally coaxially around the shaft and comprising a

i. parallel sleeve portion (FIG. 2) that is generally parallel to the longitudinal axis of the shaft and a radially extending sleeve portion that extends generally radially away from the longitudinal axis of the shaft (FIG. 2); an outer housing (1') configured to generally surround the sleeve (5') and comprising a parallel housing portion that is generally parallel to the longitudinal axis of the shaft,

ii. a radially extending housing portion that extends generally radially towards the longitudinal axis of the shaft, and a faceplate portion (15) that extends generally radially towards the longitudinal axis of the shaft (FIG. 2);

iii. a first elastomeric (generally at 13') protrusion extending generally between the radially extending sleeve portion and the faceplate portion (15) and including a base

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and an end generally opposite the base and oriented generally radially towards the longitudinal axis of the shaft;

iv. and a second elastomeric protrusion including a base secured to the housing and an end generally opposite the base and displaceable against the sleeve (see lip containing coil spring), wherein the end is oriented generally radially away from the longitudinal axis of the shaft (FIG. 2).

v. The base of the second elastomeric protrusion is secured (generally near 1') to the radially extending housing portion (1').

vi. The end of the second elastomeric protrusion is displaceable against the radially extending sleeve portion (FIG. 2).

vii. The end of the second elastomeric protrusion is oriented generally both radially away from the longitudinal axis of the shaft and axially outward (FIG. 2).

viii. A third elastomeric protrusion including a base secured to the housing and an end generally opposite the base and displaceable against the sleeve.

ix. The base of the third elastomeric protrusion (generally contacting the radial portion of 5') is secured to the radially extending housing portion.

x. The end of the third elastomeric protrusion is oriented generally axially outward.

xi. The third elastomeric protrusion is oriented generally axially inward.

xii. There is a fourth elastomeric protrusion (8') including a base secured to the housing and an end generally opposite the base and displaceable against the sleeve.

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III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enoch E Peavey whose telephone number is 305 1977.

The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Enoch E Peavey
Art Unit 3676


August 28, 2004